

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**DePuy Mitek, Inc.)
a Massachusetts Corporation)
Plaintiff,)
v.) Civil No. 04-12457 PBS
Arthrex, Inc.)
a Delaware Corporation and)
Pearsalls Ltd.)
a Private Limited Company)
of the United Kingdom)
Defendants.**

JOINT MOTION FOR ENTRY OF A REVISED SCHEDULING ORDER

DePuy Mitek, Inc. (“DePuy Mitek”), Arthrex, Inc. (“Arthrex”), and Pearsalls Ltd. (“Pearsalls”) (the “Parties”), hereby jointly move the Court for entry of a revised scheduling order in the above captioned case. The Parties agree that a modification in the fact discovery schedule is required to allow necessary discovery to be completed. The Parties’ proposed revision extends the deadlines for completing depositions that have been noticed as of January 18, 2006, but have not yet been completed. The Parties’ proposed revision also extends the deadline for filing opening and responsive expert reports, and adds deadlines for filing rebuttal expert reports, but it does not alter the dates for filing dispositive motions or trial readiness. The Parties move the Court for entry of the proposed scheduling Order attached hereto, which would revise the Scheduling Order as follows:

Event	Date
Fact discovery cut-off for noticed depositions	February 28, 2006
Parties serve opening expert reports on the issues on which they bear the burden of proof	March 3, 2006
Responsive expert reports	March 24, 2006
Rebuttal expert reports	April 7, 2006
Close of expert discovery	April 28, 2006

The parties are trying to schedule Mr. Don Grafton's deposition before the proposed February 28, 2006 deadline, but because of his schedule that may not be possible. Mr. Grafton is retired from Arthrex and he has been traveling extensively and finding a mutually convenient time for his depositions has been difficult. The parties expect to complete his deposition some time in early March.

Respectfully Submitted,

Counsel for Plaintiff

By: /s/ Michelle Chassereau Jackson

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Dated: February 3, 2006

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Defendants.

REVISED SCHEDULING ORDER

Upon consideration of the Joint Motion for Entry of a Revised Scheduling Order, the following revised scheduling order is hereby entered in the above-captioned matter.

Event	Date
Fact discovery cut-off for noticed depositions	February 28, 2006
Parties serve opening expert reports on the issues on which they bear the burden of proof	March 3, 2006
Responsive expert reports	March 24, 2006
Rebuttal expert reports	April 7, 2006
Close of expert discovery	April 28, 2006

SO ORDERED on this _____ day of _____, 2006.

United States District Judge